

CONFIDENTIAL

Approved For Release 2002/05/07 : CIA-RDP83-01004R000100210027-2

23 January 1975

MEMORANDUM FOR THE RECORD

SUBJECT: FLSA Application to Medical Technicians [REDACTED]

25X1A

1. In accordance with FLSA instructions issued by the Civil Service Commission, Medical Technicians were designated non-exempt under the provisions of the Fair Labor Standards Act. For a number of years the Medical Technicians [REDACTED] have served on what was called standby alert for medical emergencies. They were permitted to leave their place of duty as long as they stayed on the post or in the vicinity and carried a "call sentry" so that they could be reached. 25X1A

2. From the initial instructions issued by the Civil Service Commission it appeared that these employees would be entitled to overtime for all hours of standby in excess of 40 hours per week.

3. However, the Civil Service Commission has developed new regulations which apply to such employees. Under these instructions they are considered subject to call-back overtime for which they are paid at overtime rates but are not considered on duty when they are not actually at their duty post. Since these employees have actually been paid for call-back overtime on every occasion when they have been needed, the Commission agrees that these employees are covered by this provision. The only requirement under FLSA would be that call-back overtime be recorded and computed both under regular overtime rules and under the FLSA rules with the employee receiving the rate which is higher.

4. This interpretation was verified as correct in a discussion with Dwight Brown of the Civil Service Commission Pay Policy Division on 22 January 1975.

5. [REDACTED] the Personnel Officer of the Office of Medical Services, and [REDACTED] the Deputy Personnel Officer at [REDACTED] have been informed of this interpretation and will notify the employees concerned. 25X1A

[REDACTED]

Chief

Position Management & Compensation Division

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EX-2 IMPDET CL 00000000

20 JAN 1975

NOTE FOR: DD/Pers/Plans and Control

Frank :

STATINTL

I have let this one slip through the crack. The last time I was down at Midcareer [] brought this problem up, and I am not sure it is still a problem. Would you ask someone to call him to see if it is.

If the problem persists, let's see if there is any discretion whatsoever on the problem he raises. If not, we will have to do something as a matter of policy to either change the standby arrangements or to submit authorization for additional funds for overtime.

[]

DD/Pers

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